

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MICHAEL TIMMOTHY RIGGS,

Plaintiff,

v.

Case No: 2:21-cv-173-JLB-JBT

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On December 13, 2021, the Magistrate Judge entered a Report and Recommendation (“R&R”) recommending that the Commissioner’s Unopposed Motion for Entry of Judgment with Remand (Doc. 23) be granted, and that the Commissioner’s decision be reversed with this case remanded for further action under sentence four of 42 U.S.C. § 405(g). (Doc. 24.) Neither party has objected and the time to do so has expired.


A district judge may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of objections, a district judge is not required to review the factual findings in the report de novo, but legal conclusions are reviewed de novo even without an objection. Id.; Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

After an independent review of the record, and noting the lack of any objection, the Court agrees with the well reasoned R&R.

Accordingly, it is **ORDERED**:

1. The Report and Recommendation (Doc. 24) is **ADOPTED** and made a part of this Order for all purposes.
2. The Commissioner's Unopposed Motion for Entry of Judgment with Remand (Doc. 23) is **GRANTED**.
3. Under sentence four of 42 U.S.C. § 405(g), the Commissioner's decision is **REVERSED** and this case is **REMANDED** to the Commissioner for further administrative proceedings, including reevaluation of the effect of the Plaintiff's impairments on his occupation base and the opportunity for a hearing.
4. If Plaintiff ultimately prevails on remand, any motion for attorney's fees under 42 U.S.C. § 406(b) and/or 42 U.S.C. § 1383(d)(2) must be filed within sixty days of the date on the agency's letter stating the amount of past due benefits. See Standing Order on Management of Social Security Cases, In re: Administrative Orders of the Chief Judge, 3:21-mc-001-TJC (M.D. Fla. Dec. 7, 2021), ECF No. 43.
5. The Clerk is **DIRECTED** to enter judgment accordingly, terminate any pending motions and deadlines, and close the file.

ORDERED at Fort Myers, Florida, on January 18, 2022.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE